

# Subpart 22.5 - Use of Project Labor Agreements for Federal Construction Projects

**Parent topic:** [Part 22 - Application of Labor Laws to Government Acquisitions](#)

## 22.501 Scope of subpart.

This subpart prescribes policies and procedures to implement Executive Order 13502, February 6, 2009.

## 22.502 Definitions.

As used in this subpart-

*Construction* means *construction*, rehabilitation, alteration, conversion, extension, repair, or improvement of buildings, highways, or other real property.

*Labor organization* means a *labor organization* as defined in [29 U. S.C. 152\(5\)](#).

*Large-scale construction project* means a *construction* project where the total cost to the Federal Government is \$25 million or more.

*Project labor agreement* means a pre-hire collective bargaining agreement with one or more *labor organizations* that establishes the terms and conditions of employment for a specific *construction* project and is an agreement described in [29 U. S.C. 158\(f\)](#).

## 22.503 Policy.

(a) *Project labor agreements* are a tool that agencies *may* use to promote economy and efficiency in Federal *procurement*. Pursuant to Executive Order 13502, agencies are encouraged to consider requiring the use of *project labor agreements* in connection with *large-scale construction projects*.

(b) An agency *may*, if appropriate, require that every contractor and subcontractor engaged in *construction* on the project agree, for that project, to negotiate or become a party to a *project labor agreement* with one or more *labor organizations* if the agency decides that the use of *project labor agreements* will-

(1) Advance the Federal Government's interest in achieving economy and efficiency in Federal *procurement*, producing labor-management stability, and ensuring compliance with laws and regulations governing safety and health, equal employment opportunity, labor and employment standards, and other matters; and

(2) Be consistent with law.

(c) Agencies *may* also consider the following factors in deciding whether the use of a *project labor agreement* is appropriate for the *construction* project:

(1) The project will require multiple *construction* contractors and/or subcontractors employing workers in multiple crafts or trades.

(2) There is a shortage of skilled labor in the region in which the *construction* project will be sited.

(3) Completion of the project will require an extended period of time.

(4) *Project labor agreements* have been used on comparable projects undertaken by Federal, State, municipal, or private entities in the geographic area of the project.

(5) A *project labor agreement* will promote the agency's long term program interests, such as facilitating the training of a skilled workforce to meet the agency's future *construction* needs.

(6) Any other factors that the agency decides are appropriate.

## **22.504 General requirements for project labor agreements.**

(a) *General.* *Project labor agreements* established under this subpart *shall* fully conform to all statutes, regulations, and Executive orders.

(b) *Requirements.* The *project labor agreement shall*-

(1) Bind all contractors and subcontractors engaged in *construction* on the *construction* project to comply with the *project labor agreement*;

(2) Allow all contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise parties to collective bargaining agreements;

(3) Contain guarantees against strikes, lockouts, and similar job disruptions;

(4) Set forth effective, prompt, and mutually binding procedures for resolving labor disputes arising during the term of the *project labor agreement*;

(5) Provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and

(6) Include any additional requirements as the agency deems necessary to satisfy its needs.

(c) *Terms and conditions.* As appropriate to advance economy and efficiency in the *procurement*, an agency *may* specify the terms and conditions of the *project labor agreement* in the *solicitation* and require the successful *offeror* to become a party to a *project labor agreement* containing these terms and conditions as a condition of receiving a contract award. An agency *may* seek the views of, confer with, and exchange information with prospective bidders and union representatives as part of the agency's effort to identify appropriate terms and conditions of a *project labor agreement* for a particular *construction* project and facilitate agreement on those terms and conditions.

## 22.505 Solicitation provision and contract clause.

For *acquisition of large-scale construction projects*, if the agency decides pursuant to this subpart that a *project labor agreement* will be required, the *contracting officer shall-*

(a) Insert the provision at 52.222-33, Notice of Requirement for *Project Labor Agreement*, in all *solicitations* associated with the *construction* project.

(1) Use the provision with its *Alternate I* if the agency decides to require the submission of a *project labor agreement* from only the apparent successful *offeror*, prior to contract award.

(2) Use the provision with its *Alternate II* if an agency allows submission of a *project labor agreement* after contract award.

(b)

(1) Insert the clause at 52.222-34, *Project Labor Agreement*, in all *solicitations* and contracts associated with the *construction* project.

(2) Use the clause with its *Alternate I* if an agency allows submission of the *project labor agreement* after contract award.